

4417. Misbranding of "Forrest's Juniper Tar." U. S. * * * v. Anna Lavinia Whitehurst (The J. Harrison Whitehurst Co.). Plea of nolo contendere. Fine, \$15. (F. & D. No. 6259. I. S. Nos. 392-e, 6335-e.)

On December 18, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anna Lavinia Whitehurst, trading as The J. Harrison Whitehurst Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 26, 1912, from the State of Maryland into the State of Ohio, and on or about February 5, 1913, from the State of Maryland into the State of Pennsylvania, of quantities of "Forrest's Juniper Tar," which were misbranded. The article was labeled: (On bottle) "Shake. Forrest's Juniper Tar The J. Harrison Whitehurst Company Sole Proprietors and Manufacturers, Baltimore, Md. This Compound Contains 22% Alcohol, which is about one and three-fourths of a drop to the dose. Dose for an adult: 8 Drops Six Times a Day, in Sugar. Used for fifty years for Coughs, Colds, Catarrh, Bronchitis, Influenza, Consumption in its Early Stages, Bleeding at the Lungs, Asthmatic Affection, Sore or Ulcerated Throat, Croup and Whooping Cough. Applied externally for Earache, Inflammatory Rheumatism, Muscular Pains, Burns, Wounds, Ulcers, Bruises, Frostbite and Piles. See directions on white wrapper. The price will be refunded in all cases where the Medicine fails to perform as represented, if used as directed. Shake before taking. Sold by Druggists. Price 25 Cents. Each Bottle Contains Seventy-five Adult Doses." (Blown in bottle) "Whitehurst." (On wrapper) "Adopted 1887 The Genuine Juniper Tar This Compound contains 22% alcohol, which is about one and three-fourths of a drop to the dose. The J. Harrison Whitehurst Co. Baltimore, Md. 25 Cts. J. H. Whitehurst M. D. Pharm. D. Serial No. 630 Guaranteed by The J. Harrison Whitehurst Co. under the Food and Drugs Act, June 30, 1906." The circular or pamphlet accompanying the article contained, among other things, the following: "Forrest's Medicated Juniper Tar A Safe, Reliable and Speedy Remedy for Coughs, Colds, and all kinds of Throat and Lung Diseases." "* * * We give you positive proof of all we claim by testimonials from persons who have been cured, and from persons who have used it in the family for nearly fifty years. Read what these people say. These testimonials we solemnly state were not solicited, but were sent to us by grateful patrons, a fact well worth consideration." "Used for fifty years for Coughs, Colds, Catarrh, Bronchitis, Influenza, Consumption in its Early Stages, Bleeding at the Lungs, Asthmatic Affection, Sore or Ulcerated Throat, Croup and Whooping Cough. Applied externally for Earache, Inflammatory Rheumatism, Muscular Pains, Burns, Wounds, Ulcers, Bruises, Frostbite and Piles. See directions on other side." "Although Juniper Tar is invaluable in the treatment of the diseases named above, and while we think it the grandest medicine in the world we do not claim it to be a 'cure-all.' * * *" "In acute diseases, such as above enumerated, the entire disease is often arrested at once, and in other cases the violence of the attack is modified, the disease abated and rendered less dangerous and speedy relief the result." "For Coughs and Colds which so often lay the foundation for diseased lungs and consumption Juniper Tar is invaluable. In moderate cases the symptoms subside in an incredibly short time. It relieves pain in the chest with no narcotic effect, stimulates expectoration and exerts a special healing power on the lung tissue. The most obstinate cases of Coughs and lung diseases have been, and are now being daily relieved by the use of this valuable medicine, the extraordinary effect of which may be seen after a few days' trial, by the ease with which it produces free and easy discharges from the lungs and a modification of the cough, thus check-

ing the inflammatory process and bringing about quick relief." "Coughs of Long Standing or chronic inflammatory conditions of the lungs require a little perseverance in their treatment. You must not expect to cure in a few days a chronic disease that has been slowly smoldering and fastening itself upon you for a long time." "In sudden cases of Croup, or spasmodic croup in young children at night, a single dose will usually give immediate relief. It is especially recommended as a safe and reliable remedy for croupy children. For sore or ulcerated throat Juniper Tar is truly a most wonderful remedy. A single trial will convince you that there is nothing better. Read the testimonials on last page." "To secure the best results, Juniper Tar should be taken regularly, according to directions; otherwise its virtue is partly lost. When a decided improvement in your condition is apparent, you should not discontinue treatment, but continue taking Juniper Tar until you are entirely well." "152 N. 8th St., Philadelphia, Pa. I consulted Prof. Winter and Dr. Cronin, two of New York's leading specialists on Tuberculosis, and they stated I would not live three months in this climate. A friend told me of Juniper Tar and it has made me a new man. I think I am a long way from being dead. Jack M. O'Neill." "Office 105 N. Clark St., Cor. Indiana, Chicago, Ills. Ex-Coroner Hamilton County, Cincinnati, O. I have used in my practice (as a medical doctor) for several years, your Juniper Tar, and find it to be the most potent remedy for Broncho Nasal Catarrh, Obstinate Coughs, and Phthisis; it has never failed in my hands to fulfill its duty in those diseases. I prescribe it daily, and would not be without a bottle of it in my office for family purposes. Mr. Jas. D. Hodge."

Analyses of samples of the product shipped December 26, 1912, made by the Bureau of Chemistry of this department, showed it to be a liquid having the odor of pine tar and consisting of an oily and an aqueous layer. The oily layer contained terpenes, wood-tar creosote, wood tar, and petroleum products. The other layer contained alcohol, 46.94 per cent by volume, and water. A petroleum fraction, evidently kerosene, was present, constituting at least 41 per cent of the oil volatile with steam.

Analysis of a sample of the second shipment by the said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)	17.11
Water (per cent)	27.33
Petroleum and oil of tar (per cent)	55.56
Cinnamon-oil flavor: Indicated.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit, "* * * Juniper Tar A Safe, Reliable and Speedy Remedy for * * * all kinds of Throat and Lung Diseases," "* * * We give you positive proof of all we claim by testimonials from persons who have been cured * * *," "Used for fifty years for * * * Catarrh, Influenza, Consumption in its Early Stages, Bleeding at the Lungs, * * * and Whooping Cough. Applied externally for * * * Inflammatory Rheumatism, * * * and Piles," "* * * Juniper Tar is invaluable in the treatment of the diseases named above * * *," "In acute diseases, such as above enumerated, the entire disease is often arrested at once, and in other cases the violence of the attack is modified, the disease abated and rendered less dangerous and speedy relief the result," "* * * It relieves pain in the chest with no narcotic effect, stimulates expectoration and exerts a special healing power on the lung tissue. The most obstinate cases of Coughs and lung diseases have been, and are now being daily relieved by the use of this

valuable medicine * * * it produces free and easy discharges from the lungs and a modification of the cough, thus checking the inflammatory process and bringing about quick relief," " * * * chronic inflammatory conditions of the lungs require a little perseverance in their treatment. You must not expect to cure in a few days a chronic disease that has been slowly smoldering and fastening itself upon you for a long time," " * * * It is especially recommended as a safe and reliable remedy for croupy children," " * * * When a decided improvement in your condition is apparent, you should not discontinue treatment, but continue taking Juniper Tar until you are entirely well," and borne upon the package thereof, to wit, " * * * your Juniper Tar * * * the most potent remedy for Broncho Nasal Catarrh, Obstinate Coughs, and Phthisis; it has never failed * * * to fulfil its duty in these diseases," " * * * I consulted * * * two of New York's leading specialists on Tuberculosis, and they stated I would not live three months in this climate. * * * Juniper Tar * * * has made me a new man * * *," were false and fraudulent, in that they were applied to such article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a safe, reliable, and speedy remedy for all kinds of throat and lung diseases; for often arresting at once and thereby curing catarrh, influenza, consumption in its early stages, bleeding at the lungs, whooping cough, inflammatory rheumatism, and piles; for exerting a special healing power on the lung tissue; for checking the inflammatory process and thus bringing about quick relief in the most obstinate cases of coughs and lung diseases; for curing chronic inflammatory diseases of the lungs; as a safe and reliable remedy for croup, and as a cure for broncho nasal catarrh, obstinate coughs, and consumption, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On December 18, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$15.

CARL VROOMAN, *Acting Secretary of Agriculture.*